

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TIFFANY ADAMS, on behalf of herself and
all others similarly situated,

Plaintiff

v.

PARTS DISTRIBUTION XPRESS, INC., et al.

Defendants.

Case No.: No. 2:20-cv-00697-JMG

**DEFENDANTS, PARTS DISTRIBUTION XPRESS, INC.,
PDX NORTH, INC., PDX SOUTH, INC. & PDX WEST, LLC'S
MOTION FOR LEAVE TO FILE A REPLY IN FURTHER SUPPORT OF THEIR
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Defendants Parts Distribution XPress, Inc., PDX North, Inc., PDX South, Inc. and PDX West, LLC (collectively, "Defendants"), by and through their undersigned counsel, hereby move this Honorable Court for leave pursuant to Local Rule of Civil Procedure 7.1(c) to file a reply memorandum in further support of Defendants' Motion to Dismiss Plaintiff's Amended Complaint [ECF No. 16] (the "Motion"). In support of their motion for Leave, Defendants state as follows:

1. On May 11, 2020, Defendants filed a motion to compel Plaintiff Tiffany Adams ("Plaintiff") to individual arbitration, and to dismiss her Amended Complaint in this forum with prejudice. [ECF No. 16].

2. On June 15, 2020, Plaintiff Tiffany Adams ("Plaintiff") filed an opposition to Defendants' Motion. [ECF No. 23]. Plaintiff's opposition relies upon statements and declarations outside of Plaintiff's Amended Complaint and raises new issues not addressed by Defendants in the Motion.

3. Local Rule of Civil Procedure 7.1(c) provides:

Every motion not certified as uncontested, or not governed by Local Civil Rule 26.1(g), shall be accompanied by a brief containing a concise statement of the legal contentions and authorities relied upon in support of the motion. Unless the Court directs otherwise, any party opposing the motion shall serve a brief in opposition together with such answer or other response that may be appropriate, within fourteen (14) days after service of the motion and supporting brief. In the absence of timely response, the motion may be granted as uncontested except as provided under Fed. R. Civ. P 56. ***The Court may require or permit briefs or submissions if the Court deems them necessary.***

Local Rule of Civil Procedure 7.1(c) (emphasis added).

4. “Leave to file a reply brief may be granted when the brief will be helpful to the determination of the issues presented in the case.” *Redcay Indus. Dev., III, LLC v. Sch. Specialty, Inc.*, No. 05-cv-04508, 2007 WL 9810954, at *2 n.2 (E.D. Pa. Nov. 14, 2007) (citing *McNiff v. Asset Management Specialists*, 337 F. Supp. 2d 685, 687 n.1 (E.D. Pa. 2004)).

5. The Court’s Policies and Procedures states: “Replies and sur-replies are **not permitted** unless leave to file them is granted upon motion of a party. Such briefs must be concise and address only new issues raised by opposing counsel.” *See*, <http://www.paed.uscourts.gov/documents/procedures/galpol.pdf> (emphasis in original)(last viewed June 22, 2020).

6. Accordingly, Defendants respectfully request that this Court grant Defendants leave to file the reply brief attached hereto as Exhibit “A” in further support of Defendants’ Motion to Dismiss Plaintiff’s Amended Complaint [ECF No. 16].

7. Counsel for Plaintiff was consulted and has indicated that they do not oppose this motion.

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Dated: June 22, 2020

CERTIFICATE OF SERVICE

I hereby certify that, on this date, I caused the foregoing document to be filed electronically with this Court, where it is available for viewing and downloading from the Court's ECF system, and that such electronic filing automatically generates a Notice of Electronic Filing constituting service of the filed document.

FOX ROTHSCHILD LLP

By: /s/ Colin D. Dougherty
Colin D. Dougherty

Dated: June 22, 2020